IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:20-CV-145-D

BILLY RAY MORRISON,)	
Plainti) ff.)	
	Ť į	ORDER
v.)	ORDER
RAY COOPER,)	
Defend	lant.)	

On April 8, 2020, Billy Ray Morrison ("Morrison" or "plaintiff"), appearing <u>pro se</u>, filed a motion to proceed in forma pauperis under 28 U.S.C. § 1915 [D.E. 1]. On May 1, 2020, the court referred the motion to Magistrate Judge Numbers for frivolity review [D.E. 3]. On May 28, 2020, Judge Numbers issued a Memorandum and Recommendation ("M&R") and recommended this court grant Morrison's application to proceed in forma pauperis and dismiss Morrison's complaint for lack of subject-matter jurisdiction [D.E. 4]. Morrison did not object to the M&R.

"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made." <u>Diamond v. Colonial Life & Accident Ins. Co.</u>, 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); <u>see</u> 28 U.S.C. § 636(b). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." <u>Diamond</u>, 416 F.3d at 315 (quotation omitted). If a party makes only general objections, de novo review is not required. <u>See Wells v. Shriners Hosp.</u>, 109 F.3d 198, 200 (4th Cir. 1997). In "order to preserve for

appeal an issue in a magistrate judge's report, a party must object to the finding or recommendation

on that issue with sufficient specificity so as reasonably to alert the district court of the true ground

for the objection." Martin v. Duffy, 858 F.3d 239, 245 (4th Cir. 2017) (quotation omitted); United

States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear

error on the face of the record. See Diamond, 416 F.3d at 315. Thus, the court adopts the conclusion

in the M&R that the court lacks subject-matter jurisdiction and dismisses the complaint.

In sum, the court GRANTS plaintiff's application to proceed in forma pauperis [D.E. 1],

ADOPTS the conclusions in the M&R [D.E. 4], and DISMISSES plaintiff's complaint for lack of

subject-matter jurisdiction. Plaintiff must seek relief in state court. The clerk shall close the case.

SO ORDERED. This \(\text{day of July 2020.} \)

JAMES C. DEVER III

United States District Judge